REMARKS/ARGUMENTS

Summary of Examiner Interview

Applicants thank Examiner Yaen for the courtesies extended to Applicants' representative Jennifer M. Duk during the telephone interview on April 18, 2007, at which time the anticipation and obviousness rejections in the Office Action were discussed. Applicants' comments during the interview generally reflect the remarks/arguments herein.

Pending Claims

Claims 17, 20, 22, 25-31, 34, and 36-42 are pending. Claims 17, 25, 27-31, and 34 have been amended and claims 37-42 are new. No new matter is added by way of these amendments. Reconsideration of the pending claims is hereby requested.

Rejection under Section 102

Claims 17-19, 24-26, 28, and 35 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 5,925,362 ("Spitler"). Applicants traverse.

Spitler has an earliest possible effective filing date of August 11, 1993. However, Applicants invention date is earlier than August 11, 1993, such that Spitler is not prior art to the pending claims.

In that respect, Applicants point to the Declaration of Schlom and Panicali submitted on December 1, 2005, which demonstrates that Applicants had conceived of the idea of administering to a host an effective amount of PSA using a pox viral vector having a DNA segment encoding PSA to elicit an immune response in a human. The declaration further shows that the goal was to develop and administer the pox viral vector to humans to generate an immune reaction to prevent and treat prostate cancer in humans. The pending claims are drawn to a method of eliciting a T-cell immune response using a pox viral vector encoding PSA. Accordingly, the declaration evidencing Applicants' earlier invention date is commensurate in scope with the pending claims.

Since Spitler is not prior art to the pending claims, Applicants respectfully request that the anticipation rejection be withdrawn.

Rejection under Section 103

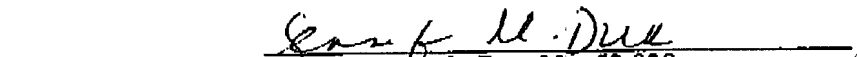
Claims 17-20, 22, 24, 24-31, and 35 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Spitler in view of Fields (Fields Virology 3rd Edition Vol. 2, Lippincott, Williams, and Wilkins, pages 2637-2671, published 1996) and Hodge (*Cancer Res.*, 54(21): 5552-5 (1994)). Applicants traverse.

As discussed above, Spitler is not a proper prior art reference to the claimed invention. As stated in the Office Action, Fields and Hodge provide general disclosure of different pox viruses and co-stimulatory molecules, respectively. Neither teaches or renders obvious the claimed invention. Further, as shown in the Declaration of Schlom and Panicali, the Applicants conception of the claimed invention predates the publication date of both Hodge (1994) and Fields (1996). Therefore, Applicants request that the obviousness rejection be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Jennifer M. Duk, Reg. No. 52,838
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: April 23, 2007